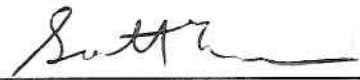


PROGRAM DIRECTOR ACTION REQUEST

To: Ted Rauh, Program Assistant Director
Waste Compliance and Mitigation Program

From: 
Scott Walker
Acting Division Chief
Cleanup, Closure and Financial Assurances Division

Prepared By: Wes Mindermann
Senior Waste Management Engineer

Reviewed By: Steve Levine, Legal Office
Holly Armstrong, Legal Office
Wendy Roberson, Contracts Office

Prepared On: July 14, 2010

Subject: **APPROVAL OF THE SCOPE OF WORK AND AUTHORIZATION TO SOLICIT PROPOSALS FOR AN ENGINEERING SERVICES CONTRACT UNDER THE SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP AND WASTE TIRE RECYCLING MANAGEMENT PROGRAMS (SOLID WASTE DISPOSAL AND CODISPOSAL TRUST FUND AND WASTE TIRE RECYCLING MANAGEMENT FUND, FYS 2010/11, 2011/12, AND 2012/13)**

Summary: Department of Resources Recycling and Recovery (CalRecycle) staff propose to use an engineering services contract for landfill and disposal site remediations under the Solid Waste Disposal and Codisposal Site Cleanup Program (Program), and the Waste Tire Stabilization and Abatement Program. This requested action is to approve the Scope of Work for the contract and authorize the solicitation of proposals to perform this work.

Time Factor: Decision required no later than August 10, 2010.

Options: The Program Assistant Director may decide to:

1. Approve the Scope of Work and authorize the solicitation of proposals;
2. Disapprove the Scope of Work; or

3. Direct staff to provide additional information and bring this item back for future consideration.

Recommendation: Staff recommend Option 1.

Background: Public Resources Code (PRC) Section 48020(b) required CalRecycle to initiate a program for the cleanup of solid waste disposal sites and for the cleanup of solid waste at codisposal sites where the responsible party either cannot be identified or is unable or unwilling to perform the timely remediation and where the cleanup is needed to protect public health and safety or the environment. The Legislature annually appropriates funding for purposes of implementing the Program. In administering the Program, CalRecycle is authorized to expend funds directly for cleanup [PRC Section 48021(b)]. This contract is used in direct support of the Program. It is also used to support the Waste Tire Recycling Management Program based upon the similar nature of the work and the common occurrence of mixed solid waste and waste tires at the same site.

Sites authorized for direct expenditure of funds often require engineering services to assist CalRecycle staff in the design and construction of the remediation. This services contract provides services that are beyond the technical expertise or availability of CalRecycle staff. The Program has utilized engineering services contractors to assist with CalRecycle-managed remediations since its inception in 1994. The Program typically has one company under contract and requires the availability of project staff and equipment to respond to CalRecycle needs in a timely manner to a project anywhere in California.

The current engineering services contract (IWM07035) will expire in December 2010. The proposed contract is to be executed in November 2010. This slight overlap in the contracts will assure CalRecycle of its ability to fund projects when warranted.

The proposed Scope of Work is presented as Attachment 1 outlines contract objectives, work to be performed, identified tasks, and the proposed contract timeframes.

Fiscal Impacts: For FY 2010/11, staff is proposing to put \$300,000 in Program funding and \$100,000 from the Waste Tire Recycling Management Fund into the proposed engineering services contract. For FY 2011/12 and FY 2012/13, staff projects similar funding availability for the Program and no engineering funding for the Waste Tire Recycling Management Fund. The following table indicates the proposed not-to-exceed fiscal year allocations for each of the proposed environmental services contracts:

Not-To-Exceed Allocation

<u>Fiscal Year</u>	<u>Solid Waste Disposal Trust Fund</u>	<u>Waste Tire Recycling Management Fund</u>
2010/11	\$300,000	\$100,000
2011/12	\$300,000	\$0
2012/13	\$300,000	\$0

Funds allocated for this item will be encumbered upon award of the proposed contracts. Award of the contract is anticipated to be considered for approval in November 2010. Given the potential funding for the three fiscal years, the proposed contract would be for an amount not to exceed \$1,000,000.

For the overall Program funding, staff anticipates \$5,000,000 will become available upon approval of the budget for FY 2010/11, which will be available for new contracts, grants, and loans. The Program is proposing two new environmental services contracts (in the accompanying Agenda Item) and one new engineering services contract (in this Agenda Item) with initial allocations totaling \$2,300,000. If all proposed contracts are awarded, that would leave approximately \$2,700,000 available for new contracts, grants, and loans for FY 2010/11. The actual amount of funding available from the Solid Waste Trust Fund is dynamic and will be updated at the time of award of the contracts.

The Five-Year Plan for the Waste Tire Recycling Management Program (5th Edition Covering Fiscal Years 2009/10–2013/14) allocates \$500,000 for the Short-Term Remediation Projects in FY 2010/11. Staff proposes an initial allocation of \$400,000 to the two environmental services contracts identified in the accompanying Agenda item and \$100,000 for this engineering services contract.

Legal Issues: Staff is not aware of any legal issues related to this item.

Support: Staff have not received any written support at the time this document was submitted for approval.

Opposition: Staff have not received any written opposition at the time this document was submitted for approval.

Attachments:

1. Scope of Work – Engineering Services Contract for Landfill, Disposal Site, and Waste Tire Site Remediation.
-

Ted Rauh
July 14, 2010
Page 4

Findings: On the basis of the information in this Request for Action, I hereby approve the Scopes of Work and authorize solicitation of proposals for these contracts under the Solid Waste Disposal and Codisposal Site Cleanup Program and Waste Tire Recycling Management Program.



Ted Rauh, Program Assistant Director
Waste Compliance and Mitigation Program

JULY 29, 2010
Date